IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

WP(C).No. 24039 of 2007(J)

PETITIONERS:
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1. KERALA GOVERNMENT HOMOEO MEDICAL OFFICERS' ASSOCIATION, REPRESENTED BY ITS PRESIDENT, DR.K.M.UVAISE, CHIEF MEDICAL OFFICER, GOVERNMENT HOMOEO HOSPITAL, KOYILANDY,KOZHIKODE.

2. DR.S.SALIL, MEDICAL OFFICER, GOVERNMENT HOMOEO DISPENSARY, ARATTUPUZHA, ALAPPUZHA DISTRICT.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HOMOEOPATHY, DIRECTORATE OF HOMOEOPATHY, EAST FORT, THIRUVANANTHAPURAM.

3. THE ACCOUNTANT GENERAL, KERALA, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P(C).No.24039 of 2007

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Dated this the 7th day of August, 2007.

JUDGMENT

First petitioner represents the Medical Officers in the Homoeo Department. According to the petitioners, Eighth Pay Commission recommended payment of special allowance to Doctors in all systems of medicine working in rural areas and difficult rural areas at the rate specified therein and the recommendation has been accepted by the Government by Ext.P2 order without any modification. Thereafter, Government issued Ext.P3 implementing the recommendation and allowing additional special allowance as accepted by the Government, but the benefit has not been extended to the Homoeo Department alone. Petitioners submitted Exts.P5 and P6 representations which have been dealt with by the Government and rejected by Ext.P7. Irrespective of the contentions of the petitioners that they are entitled to the benefits, I am inclined to set aside Ext.P7 order only for the reason that by Ext.P7, which claims of the

petitioners have been negatived, the Government have not recorded any reason for doing so. Necessity for assigning reasons while dealing with the rights of the parties need not be stated. Ext.P7 contains no reason and that reflects the non-application of mind of the concerned respondent.

2. For the aforesaid reason, I quash Ext.P7 and direct the first respondent to consider the claim of the petitioners as raised in Exts.P5 and P6 with notice and opportunity of hearing to their representative. Petitioners will also be at liberty to file supplemental representation, if they are so advised. It is ordered that such re-examination shall be done within a period of three months from the date of receipt of a copy of this judgment. Petitioners are directed to produce a copy of this judgment before the first respondent for compliance.

Antony Dominic,
Judge.

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